Ukrainians—estimates range from between four and ten million. In his seminal book on the Ukraine Famine, Harvest of Sorrow, British historian Robert Conquest writes, ''A quarter of the rural population, men, women, and children, lay dead or dying, the rest in various stages of debilitation with no strength to bury their families or neighbors.'' Conquest and many others, including eyewitnesses and recently opened archives, chronicle the devastating human suffering of this man-made famine.

The Ukraine Famine was not the result of drought or some other natural calamity, but of Soviet dictator Stalin's utterly inhumane, coldly calculated policy to suppress the Ukrainian people and destroy their human, cultural, and political rights. It was the result of purposeful starvation. Communist requisition brigades, acting on Stalin's orders to fulfill impossibly high grain quotas, took away the last scraps of food from starving families, including children, often killing those who resisted. Millions of rural Ukrainians slowing starved amid some of the world's most fertile farmland, while stockpiles of expropriated grain rotted by the tons. Meanwhile, the Soviet Government was exporting grain to the West, rejecting international offers to assist the starving population, and preventing starving Ukrainians from leaving the affected areas in search of food elsewhere. The Stalinist regime—and, for that matter subsequent Soviet leaders—engaged in a massive coverup of denying the Ukraine Famine. Regrettably, they were aided and abetted in this campaign of denial and deception by some Western journalists, including Americans.

The final report of the Congressionally-created Commission on the Ukraine Famine concluded in 1988 that ''Joseph Stalin and those around him committed genocide against Ukrainians in 1932–33.'' James Mace, who was staff director of the Commission, recently wrote: ''For Stalin to have completely centralized power in his hands, he found it necessary to physically destroy the second largest Soviet republic, meaning the annihilation of the Ukrainian peasantry, Ukrainian intelligentsia, Ukrainian language, and history as understood by the people; to do away with Ukraine and things Ukrainian as such. The calculation was very simple, very primitive: no people, therefore, no separate country, and thus no problem. Such a policy is genocide in the classic sense of the work.''

It is vital that the world not forget the Ukraine Famine, honor its victims, and reiterate our support for Ukraine's independence and democratic development as the best assurance that atrocities such as the famine become truly unimaginable. I urge colleagues to join me in commemorating this genocide perpetrated against the Ukrainian people.

SENATE RESOLUTION 203—RELATIVE TO THE DEATH OF VANCE HARTKE, FORMER UNITED STATES SENATOR FOR THE STATE OF INDIANA

Mr. LUGAR (for himself, Mr. BAYH, Mr. FRIST, Mr. DASCHLE, and Mr. BYRD) submitted the following resolution; which was considered and agreed to:

S. RES. 203

Whereas Vance Hartke served in the United States Coast Guard and Navy during World War II from 1942 to 1946;

Whereas Vance Hartke served as mayor of Evansville, Indiana from 1956 to 1958;

Whereas Vance Hartke served as Chairman of the Committee on Veterans' Affairs of the United States Senate from the ninety-second Congress through the ninety-fourth Congress; and

Whereas Vance Hartke served his nation as United States Senator from 1959 to 1977: Now, therefore be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Vance Hartke, former member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses or adjourns today, it stand recessed or adjourned as a further mark of respect to the memory of the Honorable Vance Hartke.

AMENDMENTS SUBMITTED & PROPOSED

SA 1403. Mr. REID (for himself, Mr. CRAIG, Mr. ALLARD, Mrs. FEINSTEIN, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table.

SA 1404. Mr. BURNS (for himself and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill S. 14, supra; which was ordered to lie on the table.

SA 1405. Mr. MILLER submitted an amendment intended to be proposed by him to the bill S. 14, supra; which was ordered to lie on the table.

SA 1406. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 14, supra; which was ordered to lie on the table.

SA 1407. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 14, supra; which was ordered to lie on the table.

SA 1408. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 14, supra; which was ordered to lie on the table.

SA 1409. Mr. EDWARDS submitted an amendment intended to be proposed by him to the bill S. 14, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1403. Mr. REID (for himself, Mr. CRAIG, Mr. ALLARD, Mrs. FEINSTEIN, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table; as follows:

In division B, on page 4, line 19, insert ''and incremental geothermal energy production'' after ''energy''.

On page 6, strike lines 22 through 25, and insert:

''(4) GEOTHERMAL.—

''(A) GEOTHERMAL ENERGY.—The term 'geothermal energy' means energy derived from a geothermal deposit (within the meaning of section 613(e)(2)).

''(B) INCREMENTAL GEOTHERMAL ENERGY PRODUCTION.—

''(i) IN GENERAL.—The term 'incremental geothermal energy production' means for any taxable year the excess of—

''(I) the total kilowatt hours of electricity produced from a facility described in subsection (d)(4)(B), over

''(II) the average annual kilowatt hours produced at such facility for 5 of the previous 7 calendar years before the date of the enactment of this subparagraph after eliminating the highest and the lowest kilowatt hour production years in such 7-year period.

''(ii) SPECIAL RULE.—A facility described in subsection (d)(4)(B) which was placed in service at least 7 years before the date of the enactment of this subparagraph shall commencing with the year in which such date of enactment occurs, reduce the amount calculated under clause (i)(II) each year, on a cumulative basis, by the average percentage decrease in the annual kilowatt hour production for the 7-year period described in clause (i)(II) with such cumulative sum not to exceed 30 percent.

On page 11, line 1, insert ''OR INCREMENTAL GEOTHERMAL ENERGY PRODUCTION'' after ''ENERGY''.

On page 11, line 3, strike ''IN GENERAL'' and insert ''GEOTHERMAL OR SOLAR ENERGY''.

On page 11, strike lines 10 through 15, and insert:

''(B) INCREMENTAL GEOTHERMAL ENERGY PRODUCTION FACILITY.—

''(i) IN GENERAL.—In the case of a facility using incremental geothermal energy production to produce electricity, the term 'qualified facility' means any facility owned by the taxpayer which is originally placed in service before such date of enactment, but only to the extent of its incremental geothermal energy production.

''(ii) SPECIAL RULE.—In the case of a qualified facility described in clause (i), the 10-year period referred to in subsection (a) shall be treated as beginning not earlier than the date of the enactment of this subparagraph.

On page 329, after line 20, add the following:

SEC. 834. EXTENSION OF TRANSFERS OF EXCESS PENSION ASSETS TO RETIREE HEALTH ACCOUNTS.

(a) AMENDMENT OF INTERNAL REVENUE CODE OF 1986.—Paragraph (5) of section 420(b) (relating to expiration) is amended by striking ''December 31, 2005'' and inserting ''December 31, 2013''.

(b) AMENDMENTS OF ERISA.—

(1) Section 101(e)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1021(e)(3)) is amended by striking ''Tax Relief Extension Act of 1999'' and inserting ''Energy Tax Incentives Act of 2003''.

(2) Section 403(c)(1) of such Act (29 U.S.C. 1103(c)(1)) is amended by striking ''Tax Relief Extension Act of 1999'' and inserting ''Energy Tax Incentives Act of 2003''.

(3) Paragraph (13) of section 408(b) of such Act (29 U.S.C. 1108(b)(3)) is amended—

(A) by striking ''January 1, 2006'' and inserting ''January 1, 2014'', and

(B) by striking ''Tax Relief Extension Act of 1999'' and inserting ''Energy Tax Incentives Act of 2003''.

SA 1404. Mr. BURNS (for himself and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other

purposes; which was ordered to lie on the table; as follows:

On page 165, between lines 14 and 15, insert the following:

SEC. 512. LIMITATION ON CERTAIN CHARGES ASSESSED TO THE FLINT CREEK PROJECT, MONTANA.

Notwithstanding section 10(e)(1) of the Federal Power Act (16 U.S.C. 803(e)(1)) or any other provision of Federal law providing for the payment to the United States of charges for the use of Federal land for the purposes of operating and maintaining a hydroelectric development licensed by the Federal Energy Regulatory Commission (referred to in this section as the ''Commission''), any political subdivision of the State of Montana that holds a license for Commission Project No. 1473 in Granite and Deer Lodge Counties, Montana, shall be required to pay to the United States for the use of that land for each year during which the political subdivision continues to hold the license for the project, the lesser of—

(1) $25,000; or

(2) such annual charge as the Commission or any other department or agency of the Federal Government may assess.

SA 1405. Mr. Miller submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VI, insert the following:

SEC. 625. CEILING FANS.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

''	9902.84.14	Ceiling fans for permanent installation (provided for in subheading 8414.51.00).	Free	No change	No change	On or before 12/31/2013	''.

(b) EFFECTIVE DATE.—The amendment made by this section applies to goods entered, or withdrawn from warehouse, for consumption on or after the 15th day after the date of enactment of this Act.

SA 1406. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 138, strike line 9 through page 146, line 14 and insert the following:

''(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

''(1) except as provided in paragraphs (2) and (3), 10 percent of the amount paid or incurred by the taxpayer for qualified energy efficient building envelope improvements installed during such taxable year,

''(2) 25 percent of the amount paid or incurred by the taxpayer for qualified duct sealing services or qualified air infiltration reduction services performed during such taxable year, and

''(3) 20 percent of the amount paid or incurred by the taxpayer for qualified replacement natural gas or propane heating systems installed during such taxable year.

''(b) LIMITATION.—The credit allowed by this section with respect to a dwelling for any taxable year shall not exceed $300, reduced (but not below zero) by the sum of the credits allowed under subsection (a) to the taxpayer with respect to the dwelling for all preceding taxable years.

''(c) CARRYFORWARD OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.

''(d) DEFINITIONS.—For purposes of this section:

''(1) QUALIFIED ENERGY EFFICIENT BUILDING ENVELOPE IMPROVEMENT.—The term 'qualified energy efficient building envelope improvement' means any energy efficient building envelope component which is certified to meet or exceed the prescriptive criteria for such component in the 2000 International Energy Conservation Code, or any combination of energy efficiency measures which are certified as achieving at least a 30 percent reduction in heating and cooling energy usage for the dwelling (as measured in terms of energy cost to the taxpayer), if—

''(A) such component or combination of measures is installed in or on a dwelling which—

''(i) is located in the United States,

''(ii) has not been treated as a qualifying new home for purposes of any credit allowed under section 45G, and

''(iii) is owned and used by the taxpayer as the taxpayer's principal residence (within the meaning of section 121),

''(B) the original use of such component or combination of measures commences with the taxpayer, and

''(C) such component or combination of measures reasonably can be expected to remain in use for at least 5 years.

''(2) QUALIFIED DUCT SEALING SERVICES.—

''(A) IN GENERAL.—The term 'qualified duct sealing services' means services which bring the duct system of a dwelling into compliance with the Energy Star Duct Specifications published by the Environmental Protection Agency if such service is performed with regard to a dwelling which—

''(i) is located in the United States,

''(ii) has not been treated as a qualifying new home for purposes of any credit allowed under section 45G, and

''(iii) is owned and used by the taxpayer as the taxpayer's principal residence (within the meaning of section 121).

''(B) CERTIFICATION REQUIRED.—Services shall not be considered to be qualified duct sealing services unless the dwelling is determined to be not in compliance with such Energy Star Duct Specifications before such services and certified to be in compliance with such Energy Star Duct Specifications after such services.

''(3) QUALIFIED AIR INFILTRATION REDUCTION SERVICES.—

''(A) IN GENERAL.—The term 'qualified air infiltration reduction services' means services which bring the air infiltration of a dwelling into compliance with the infiltration requirements in the Energy Star Home Sealing Specifications published by the Environmental Protection Agency, if such service is performed with regard to a dwelling which—

''(i) is located in the United States,

''(ii) has not been treated as a qualifying new home for purposes of any credit allowed under section 45G, and

''(iii) is owned and used by the taxpayer as the taxpayer's principal residence (within the meaning of section 121).

''(B) CERTIFICATION REQUIRED.—Services shall not be considered to be qualified air infiltration reduction services unless the dwelling is determined to not be in compliance with such Energy Star Home Sealing Specifications before such services and is certified to be in compliance with such Energy Star Home Sealing Specifications after such services.

''(4) QUALIFIED NATURAL GAS OR PROPANE HEATING SYSTEMS.—The term 'qualified natural gas or propane heating systems' means a natural gas or propane furnace or boiler which is certified to achieve at least 90 percent annual fuel utilization efficiency (AFUE) and which replaces an existing natural gas or propane furnace or boiler which has an AFUE of less than 78 percent or which does not include a power burner or induced draft exhaust, if—

''(A) such furnace or boiler is installed in a dwelling which—

''(i) is located in the United States,

''(ii) has not been treated as a qualifying new home for purposes of any credit allowed under section 45G, and

''(iii) is owned and used by the taxpayer as the taxpayer's principal residence (within the meaning of section 121),

''(B) the original use of such furnace or boiler commences with the taxpayer, and

''(C) such furnace or boiler reasonably can be expected to remain in use for at least 5 years.

''(e) CERTIFICATION.—

''(1) METHODS OF CERTIFICATION.—

''(A) COMPONENT-BASED METHOD.—

''(i) QUALIFIED ENERGY EFFICIENT BUILDING ENVELOPE COMPONENTS.—The certification described in paragraph (1) of subsection (d) for any component described in such paragraph shall be determined on the basis of applicable energy efficiency ratings (including product labeling requirements) for affected building envelope components.

''(ii) QUALIFIED NATURAL GAS OR PROPANE HEATING SYSTEMS.—The certification described in paragraph (4) of subsection (d) shall be determined on the basis of applicable energy efficiency ratings (including product labeling requirements) for affected natural gas or propane furnaces or boilers.

''(B) PERFORMANCE-BASED METHOD.—

''(i) QUALIFIED ENERGY EFFICIENT BUILDING ENVELOPE MEASURES.—The certification described in paragraph (1) of subsection (d) for any combination of measures described in such paragraph shall be—

''(I) determined by comparing the projected heating and cooling energy usage for the dwelling to such usage for such dwelling in its original condition, and

''(II) accompanied by a written analysis documenting the proper application of a permissible energy performance calculation method to the specific circumstances of such dwelling.

''(ii) QUALIFIED DUCT SEALING SERVICES.—The determination and certification described in paragraph (2) of subsection (d) shall be on the basis of test reports performed in accordance with the Energy Star Duct Specifications.

''(iii) QUALIFIED AIR INFILTRATION REDUCTION SERVICES.—The determination and certification described in paragraph (3) of subsection (d) shall be on the basis of test reports performed in accordance with the Energy Star Home Sealing Specifications.

''(iv) COMPUTER SOFTWARE.—Computer software shall be used in support of a performance-based method certification under clause (i). Such software shall meet procedures and methods for calculating energy and cost savings in regulations promulgated by the Secretary of Energy. Such regulations on the specifications for software and verification protocols shall be based on the 2001 California Residential Alternative Calculation Method Approval Manual.

''(2) PROVIDER.—

''(A) QUALIFIED ENERGY EFFICIENT BUILDING ENVELOPE IMPROVEMENTS.—A certification described in paragraph (1) of subsection (d) shall be provided by—

''(i) in the case of the method described in paragraph (1)(A)(i), by a third party, such as a local building regulatory authority, a utility, a manufactured home primary inspection agency, or a home energy rating organization, or

''(ii) in the case of the method described in paragraph (1)(B)(i), an individual recognized by an organization designated by the Secretary for such purposes.

''(B) QUALIFIED DUCT SEALING SERVICES; QUALIFIED AIR INFILTRATION REDUCTION SERVICES.—A determination or certification described in paragraph (2) or (3) of subsection (d) shall be provided by a State-licensed contractor.

''(C) QUALIFIED NATURAL GAS OR PROPANE HEATING SYSTEMS.—A certification described in paragraph (4) of subsection (d) shall be provided by a third party, such as a local building regulatory authority, a utility, a manufactured home primary inspection agency, or a home energy rating organization.

''(3) FORM.—Any certification described in subsection (d) shall be made in writing on forms which—

''(A) in the case of a certification described in paragraph (1) of subsection (d), specify in readily inspectable fashion the energy efficient components and other measures and their respective efficiency ratings, and which include a permanent label affixed to the electrical distribution panel of the dwelling,

''(B) in the case of a certification described in paragraph (2) or (3) of subsection (d), provide test data on air infiltration and duct leakage, as appropriate, both before and after services are provided, provide a signed certification that all relevant aspects of the appropriate Environmental Protection Agency specifications have been met, and include a permanent label affixed to the electrical distribution panel of the dwelling, and

''(C) in the case of a certification described in paragraph (4) of subsection (d), specify in readily inspectable fashion the energy efficiency rating of the natural gas or propane furnace or boiler, and which include a permanent label affixed to such furnace or boiler.

''(4) REGULATIONS.—

''(A) IN GENERAL.—In prescribing regulations under this subsection for certification methods described in paragraph (1)(B)(i), the Secretary, after examining the requirements for energy consultants and home energy ratings providers specified by the Mortgage Industry National Home Energy Rating Standards, shall prescribe procedures for calculating annual energy usage and cost reductions for heating and cooling and for the reporting of the results. Such regulations shall—

''(i) provide that any calculation procedures be fuel neutral such that the same energy efficiency measures allow a dwelling to be eligible for the credit under this section regardless of whether such dwelling uses a gas or oil furnace or boiler or an electric heat pump, and

''(ii) require that any computer software allow for the printing of the Federal tax forms necessary for the credit under this section and for the printing of forms for disclosure to the owner of the dwelling.

''(B) PROVIDERS.—For purposes of paragraph (2)(A)(ii), the Secretary shall establish requirements for the designation of individuals based on the requirements for energy consultants and home energy raters specified by the Mortgage Industry National Home Energy Rating Standards.

''(f) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) DOLLAR AMOUNTS IN CASE OF JOINT OCCUPANCY.—In the case of any dwelling unit which is jointly occupied and used during any calendar year as a residence by 2 or more individuals the following rules shall apply:

''(A) The amount of the credit allowable under subsection (a) by reason of expenditures for the qualified energy efficiency improvements made during such calendar year by any of such individuals with respect to such dwelling unit shall be determined by treating all of such individuals as 1 taxpayer whose taxable year is such calendar year.

''(B) There shall be allowable, with respect to such expenditures to each of such individuals, a credit under subsection (a) for the taxable year in which such calendar year ends in an amount which bears the same ratio to the amount determined under subparagraph (A) as the amount of such expenditures made by such individual during such calendar year bears to the aggregate of such expenditures made by all of such individuals during such calendar year.

''(2) TENANT-STOCKHOLDER IN COOPERATIVE HOUSING CORPORATION.—In the case of an individual who is a tenant-stockholder (as defined in section 216) in a cooperative housing corporation (as defined in such section), such individual shall be treated as having paid his tenant-stockholder's proportionate share (as defined in section 216(b)(3)) of the cost of qualified energy efficiency improvements made by such corporation.

''(3) CONDOMINIUMS.—

''(A) IN GENERAL.—In the case of an individual who is a member of a condominium management association with respect to a condominium which the individual owns, such individual shall be treated as having paid the individual's proportionate share of the cost of qualified energy efficiency improvements made by such association.

''(B) CONDOMINIUM MANAGEMENT ASSOCIATION.—For purposes of this paragraph, the term 'condominium management association' means an organization which meets the requirements of paragraph (1) of section 528(c) (other than subparagraph (E) thereof) with respect to a condominium project substantially all of the units of which are used as residences.

''(4) BUILDING ENVELOPE COMPONENT.—The term 'building envelope component' means—

''(A) any insulation material or system which is specifically and primarily designed to reduce the heat loss or gain in a dwelling when installed in or on such dwelling,

''(B) exterior windows (including skylights), and

''(C) exterior doors.

''(5) MANUFACTURED HOMES INCLUDED.—For purposes of this section, the term 'dwelling' includes a manufactured home which conforms to Federal Manufactured Home Construction and Safety Standards (24 C.F.R. 3280).

''(6) COORDINATION WITH RESIDENTIAL ENERGY EFFICIENT PROPERTY CREDIT.—No credit shall be allowed under subsection (a) with respect to any property to the extent for which a credit is also allowed under section 25C.

''(g) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.

''(h) TERMINATION.—

''(1) QUALIFIED ENERGY EFFICIENT BUILDING ENVELOPE IMPROVEMENTS.—Subsection (a) shall not apply to qualified energy efficient building envelope improvements installed after December 31, 2006.

''(2) QUALIFIED DUCT SEALING SERVICES; QUALIFIED AIR INFILTRATION REDUCTION SERVICES; QUALIFIED NATURAL GAS OR PROPANE HEATING SYSTEMS.—Subsection (a) shall not apply to—

''(A) qualified duct sealing services or qualified air infiltration reduction services performed after December 31, 2005, and

''(B) qualified natural gas or propane heating systems installed after December 31, 2005.''.

SA 1407. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I of division B add the following:

SEC. 102. EXPANSION OF CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES TO INCLUDE WAVE ENERGY.

(a) IN GENERAL.—Section 45(c)(1) (defining qualified energy resources), as amended by this Act, is amended—

(1) by striking ''and'' at the end of subparagraph (G),

(2) by striking the period at the end of subparagraph (H) and inserting '', and'', and

(3) by adding at the end the following new subparagraph:

''(I) wave energy.''.

(b) WAVE ENERGY.—Section 45(c), as amended by this Act, is amended by adding at the end the following new paragraph:

''(8) WAVE ENERGY.—The term 'wave energy' means energy derived from the energy stored in ocean waves.''.

(c) WAVE ENERGY FACILITY.—Section 45(d) (relating to qualified facilities), as amended by this Act, is amended by adding at the end the following new paragraph:

''(8) WAVE ENERGY FACILITY.—In the case of a facility using wave energy to produce electricity, the term 'qualified facility' means any facility owned by the taxpayer which is originally placed in service after the date of the enactment of the Energy Tax Incentives Act of 2003 and before January 1, 2007.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to electricity produced and sold after the date of the enactment of this Act, in taxable years ending after such date.

SA 1408. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 90, between lines 15 and 16, insert the following:

Subtitle D—Miscellaneous

SEC. 1___. EXCHANGE OF CERTAIN NONPRODUCING FEDERAL OIL AND GAS LEASES.

(a) DEFINITIONS.—In this section:

(1) BADGER-TWO MEDICINE AREA.—The term ''Badger-Two Medicine Area'' means the Forest Service land located in—

(A) T. 31 N., R. 12–13 W.;

(B) T. 30 N., R. 11–13 W.;
(C) T. 29 N., R. 10–16 W.; and
(D) T. 28 N., R. 10–14 W.

(2) BLACKLEAF AREA.—The term ''Blackleaf Area'' means the Federal land owned by the Forest Service and Bureau of Land Management that is located in—

(A) T. 27 N., R. 9 W.;
(B) T. 26 N., R. 8–10 W.;
(C) T. 25 N., R. 8–10 W.; and
(D) T. 24 N., R. 8–9 W.

(3) ELIGIBLE LESSEE.—The term ''eligible lessee'' means a lessee under a nonproducing lease.

(4) NONPRODUCING LEASE.—The term ''nonproducing lease'' means a Federal oil or gas lease that is—

(A) in existence and in good standing on the date of enactment of this Act; and

(B) located in the Badger-Two Medicine Area or the Blackleaf Area.

(5) PLANNING AREA.—The term ''Planning Area'' means each of the Western and Central Planning Areas of the Gulf of Mexico on the outer Continental Shelf.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(7) STATE.—The term ''State'' means the State of Montana.

(b) EVALUATION.—

(1) IN GENERAL.—The Secretary, in consultation with the Governor of the State, the eligible lessees, and any other interested persons, shall evaluate opportunities to enhance domestic oil and gas production through the exchange of the nonproducing leases.

(2) REQUIREMENTS.—In carrying out the evaluation under paragraph (1), the Secretary shall—

(A) consider opportunities to enhance domestic production of oil and gas through—

(i) the exchange of the nonproducing leases for oil and gas lease tracts of comparable value in the State or in the Planning Areas; and

(ii) the issuance of bidding, royalty, or rental credits for Federal onshore oil and gas leases in the State or in the Planning Areas in exchange for the cancellation of the nonproducing leases;

(B) consider any other appropriate means to exchange, or provide compensation for the cancellation of, nonproducing leases, subject to the consent of the eligible lessees;

(C) consider the views of any interested persons, including the State;

(D) determine the level of interest of the eligible lessees in exchanging the nonproducing leases; and

(E) develop recommendations on—

(i)(I) whether to pursue an exchange of the nonproducing leases; and

(II) any changes in laws (including regulations) that are necessary for the Secretary to carry out the exchange; and

(ii) any other appropriate means by which to exchange, or provide compensation for the cancellation of, nonproducing leases.

(3) VALUATION OF NONPRODUCING LEASES.—For the purpose of the evaluation under paragraph (1), the value of a nonproducing lease shall be an amount equal to the difference between—

(A) the sum of—

(i) the amount paid by the eligible lessee for the nonproducing lease;

(ii) any direct expenditures made by the eligible lessee before the date of enactment of this Act associated with the exploration and development of the nonproducing lease; and

(iii) interest on any amounts under clauses (i) and (ii) during the period beginning on the date on which the amount was paid and ending on the date on which credits are issued under paragraph (2)(A)(ii); and

(B) the sum of the revenues from the nonproducing lease during the term of the lease.

(4) SUSPENSION OF LEASES IN THE BADGER-TWO MEDICINE AREA.—To facilitate the evaluation under paragraph (1) and review of the report under paragraph (5), the terms of nonproducing leases in the Badger-Two Medicine Area shall be suspended for a 3-year period beginning on the date of enactment of this Act.

(5) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and to the Committee on Resources of the House of Representatives a report on the evaluation carried out under paragraph (1).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SA 1409. Mr. EDWARDS submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE ___—MISCELLANEOUS

SEC. ___. NEW SOURCE REVIEW.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency shall not require that any applicable implementation plan under the Clean Air Act (42 U.S.C. 7401 et seq.) be revised or adopted to comply with any part of the final rules relating to prevention of significant deterioration and nonattainment new source review published at 67 Fed. Reg. 80186 (December 31, 2002) and 68 Fed. Reg. 11316 (March 10, 2003), unless the Administrator demonstrates that no major emitting facility or major stationary source in the State would be permitted to increase the quantity of any air pollutant emitted under the final rules without the increase being considered to be a modification (as defined section 111(a) of the Clean Air Act (42 U.S.C. 7411(a)), if the increase would have been considered to be such a modification under the rules in effect and applicable to that State before December 31, 2002.

(b) EFFECT OF SECTION.—Nothing in this section affects the retention of State authority under section 116 of the Clean Air Act (42 U.S.C. 7416).

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON NATIONAL PARKS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been postponed before the Subcommittee on National Parks of the Committee on Energy and Natural Resources:

The hearing to receive testimony on S. 808, S. 1107 and H.R. 620, originally scheduled on Tuesday, July 29, 2003 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC, will be rescheduled.

For further information, please contact Tom Lillie at 202–224–5161 or Pete Lucero at 202–224–6293.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, July 30, 2003, at 10:00 a.m. in Room 216 of the Hart Senate Office Building to conduct a business meeting on pending business, to be followed immediately by an oversight hearing on Potential Settlement Mechanisms of the Cobell v. Norton lawsuit.

Mr. President, I also would like to announce that the Committee on Indian Affairs will meet again in the afternoon on Wednesday, July 30, 2003, at 2:00 p.m. in Room 216 of the Hart Senate Office Building to conduct a hearing on S. 578, The Tribal Government Amendments to the Homeland Security Act of 2002.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources will hold a hearing on August 6, 2003, at 9:00 a.m. on legislation related to the State of Alaska. The hearing will be held in Anchorage at the Loussac Library, Assembly Chambers, 3600 Denali Street.

The Committee will consider S. 1421, the Alaska Native Allotment Subdivision Act; S. 1354, the Cape Fox Land Entitlement Act of 2003; and S. 1466, the Alaska Land Transfer Acceleration Act of 2003.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364, Washington, DC 20510–6150.

For further information, please contact Dick Bouts (202–224–7545) or Meghan Beal (202–224–7556).

AUTHORITY FOR COMMITTEES TO MEET

SPECIAL COMMITTEE ON AGING

Mr. THOMAS. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Monday, July 28, 2003 from 2:00 p.m.–5:00 p.m. in Dirksen 628 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. LEVIN. Mr. President, I ask unanimous consent that Christo Artusio, a Fellow in my office, be granted floor privileges for the remainder of the Energy bill debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that Becca North and Haley Wallace of my staff be granted the privilege of the floor for the duration of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.